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HUMAN RIGHTS COMMITTEE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT

Third periodic reports of States parties due in 1994

Addendum

ICELAND*

[23 March 1995]

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* For the initial report submitted by the Government of Iceland, see CCPR/C/10/Add.4; for its consideration by the Committee, see CCPR/C/SR.391, SR.392 and SR.395 and the Official Records of the General Assembly, thirty-eighth session, Supplement No. 40 (A/38/40), paras. 99-134. For the second periodic report submitted by the Government of Iceland, see CCPR/C/46/Add.5; for its consideration by the Committee, see CCPR/C/SR.1266 to 1268 and the Official Records of the General Assembly, forty-ninth session, Supplement No. 40 (A/49/40), paras. 69-83.

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I. GENERAL OBSERVATIONS

1. In the following a description will be presented of the most important laws enacted and measures taken during the slightly more than two years which have passed since Iceland's second report on the implementation of the International Covenant on Civil and Political Rights (ICCPR) was compiled in the autumn of 1992. The account will be confined to the legal reforms or other measures carried out or planned since then which are of an important nature and have a bearing upon the implementation of the Covenant in Iceland. A more detailed description of the substance of the new legislative and other measures is then to be found in part II, where matters relating to the individual provisions of the Covenant are discussed. No discussion will be presented of matters concerning the individual provisions of the Covenant where no legislative amendments have been effected or measures taken and the situation in other respects is unchanged as compared to the last report. As regards general information on Iceland and its people, Iceland's Constitution and administration, the power to resolve whether human rights have been violated, and the applicability of international human rights conventions under national law, reference is made to the basic information contained in document HRI/CORE/1/Add.26, as these aspects remain unchanged if no particular observations are made to the contrary herein.

2. Of important legislation enacted since Iceland's last report was submitted the Act on Administrative Procedure, No. 73/1993, which entered into force 1 January 1994, shall be mentioned first. The Act is deemed to be a significant reform by comparison to the previous situation, as it expressed for the first time in statute form general principles relating to handling of and procedure in matters within the administrative branch of government. The Act applies to all acts of public administration at both State and municipal levels, to the extent other acts of law do not provide for stricter rules. The Act is to apply to decision-making by administrative authorities in matters concerning rights or duties of natural or legal persons. The chief objective of the enactment of the Administrative Practices Act was to ensure as well as possible that citizens enjoy security under the law when decisions are taken concerning them. The law therefore provides for rules of procedure within the administrative branch, i.e. rules of both form and substance concerning preparation and resolution of cases, including rules on the rights of the citizenry, and rules relating to observation of the progress of a case and the right of a citizen to express his views and lodge his objections. Despite the fact that these rules were not enacted previously they had been followed within the administrative branch as unwritten basic principles.

3. Various amendments have been made to the Foreign Nationals Supervision Act, No. 45/1965. Under the arrangement previously in effect the Minister of Justice, under certain conditions, took decisions on the expulsion from Iceland of foreigners who had entered Icelandic territory lawfully, and such a decision was not subject to appeal. This situation changed with Act No. 133/1993, and now it is a particular administrative institution, the Immigration Office, which decides on the expulsion of a foreigner under such circumstances. The decision is subject to appeal to the Minister of Justice, and the Act provides expressly that a foreigner is to be notified of this

avenue of appeal when the decision to expel him is made known. For this reason the reservation made by Iceland with respect to article 13 of the Covenant became unnecessary, and it was consequently withdrawn.

4. Act No. 83/1994 established the office of the Ombudsman for Children, which came into operation 1 January 1995. By the establishment of this office the aim is to provide for societal conditions more favourable for children; the Ombudsman is to guard the interests and rights of children, and ensure that administrative authorities, individuals, societies and associations respect in full their rights, needs and interests. He is to make recommendations and proposals for amendments with respect to matters in any field of society that have a bearing on the interests of children. This entails, inter alia, to promote the observance of any international agreements containing provisions on the rights and welfare of children which Iceland has ratified, and to promote the ratification of such agreements. The Ombudsman for Children is an autonomous official and independent of other holders of administrative powers. He shall provide the Prime Minister with an annual report of his activities.

5. At the time of writing of the present report a new Personal Names Bill has been submitted to the Althing. The Personal Names Act now in effect has been subject to criticism, in particular the arrangement of imposing upon a naturalized foreigner the obligation of assuming an Icelandic name to be used jointly with his original foreign name. The children of a naturalized foreigner who have attained the age of 15 years, and any later children, shall use the Icelandic personal name. If the new Personal Names Bill is enacted the duty of a foreigner to assume an Icelandic name on becoming an Icelandic citizen is abolished; both the naturalized person and his children can then retain their unchanged family names.

6. In June 1994 the Althing resolved that the human rights provisions of the Icelandic Constitution should be revised. The revision was to have been completed before the next regular elections in the spring of 1995. The parliamentary resolution stated that a revision of the Constitution's human rights provisions was now timely with a view to the international obligations undertaken by Iceland in becoming a party to international human rights agreements. Subsequently, a bill amending the human rights provisions in the Constitution was introduced in the Althing and in February this year, the Althing accepted the bill. The amendment provides extensive changes and additions to the human rights provisions at present in effect, which by now have become somewhat outdated in various ways, as they have remained almost totally unchanged since 1874. They have been subject to criticism both in domestic debate and on the international scene. The critics have chiefly maintained that in the current human rights chapter of the Constitution clear provisions on various fundamental human rights are lacking. Statute provisions guaranteeing these rights were thus deemed inadequate, as was the view that such rights were guaranteed by unwritten fundamental principles of law. The amendment to the Constitution, according to which various new rights are added to those already provided for and some of the old provisions are phrased in a much clearer way, is intended to redress this situation.

7. The new civil and political rights according to the amendment, to be included in the human rights chapter of the Constitution, are the following, by reference to section numbers:

A general principle of the equality of all men before the law (section 65, subsection 1);

Equal rights of men and women (section 65, subsection 2);

A principle on freedom of movement and the right to choose a place of residence (section 66);

A prohibition of torture, inhuman or degrading treatment or punishment (section 68, subsection 1);

A prohibition of forced labour (section 68, subsection 2);

A prohibition of retroactive criminal punishment and a prohibition of providing for the death penalty by law (section 69);

Minimum requirements for fair trial in court procedure in civil and criminal litigation (section 70);

The duty of the State to provide children with special legal protection (section 76, subsection 3);

A prohibition of retroactive tax impositions (section 77).

8. It should be noted that until now Icelandic citizens have enjoyed all the above rights in fact, and most of them are already provided for by statutes or are regarded as unwritten but constitutionally protected legal principles. However, in the light of the importance of these rights, it is deemed safer to include them in the written Constitution. In connection with the discussion relating to the individual provisions of the Covenant the various individual provisions of the amendment will be described in further detail.

9. Since the last report was compiled the European Convention on Human Rights has been incorporated into Icelandic law, by Act No. 62/1944, the first of the international human rights instruments, and thus its provisions can be invoked in court as domestic legislation. At the present time no decision has been taken to incorporate other human rights instruments into domestic law. The constitutional amendments mentioned above reflect to a great extent the provisions of various international human rights instruments, both those prepared under the auspices of the United Nations and those having their origins in European cooperation.

10. It should finally be noted that the conclusions, dated 29 November 1993, of the Committee concerning Iceland's second report under the Covenant provided an occasion for some public debate in Iceland. The report, and the Committee's conclusions, were distributed to all public media, and all the most influential Icelandic media described the conclusions.

11. It seems that public discussion on human rights and public interest in human rights have increased significantly in Iceland in the past few years. The resolution of the Althing of June 1994 and the amendment of the human rights provisions of the Constitution may be regarded as manifestations of this increased interest. The bill amending the human rights provisions in the Constitution was subject to great public debate when it was introduced at the Althing, which led to some changes in its provisions before it was accepted. The growing public interest in matters concerning human rights can no doubt be traced, at least in part, to international involvement with matters relating to human rights in Iceland, and indications of where there may be scope for improvement. It may also be noted that a Human Rights Office was established in Reykjavik in the spring of 1994, similar to those which have existed in the Scandinavian countries for some time. The parties that founded the Human Rights Office are the Icelandic section of Amnesty International, the International Save the Children Alliance, the Office of the Bishop of Iceland, the Icelandic Bar Association, Icelandic Church Aid, the Icelandic Red Cross, the Women's Rights Association of Iceland, the Equal Status Council and UNIFEM Iceland. It may be assumed that the Human Rights Office will, among other things, concern itself with the success, or lack thereof, in implementing international human rights instruments in Iceland. Some educational and informational work in the field of human rights has already been undertaken by the Office, for the benefit of both lawyers and the public.

II. INFORMATION RELATING TO INDIVIDUAL PROVISIONS OF PARTS I, II AND III OF THE COVENANT

Article 1

12. A reference shall be made here to paragraphs 1-7 of Iceland's second report, as the points noted there remain unchanged in all the main aspects. It may, however, be added with respect to the discussion of the treaty establishing the European Economic Area (EEA) that the treaty went into effect for Iceland on 1 January 1994, and at the same time various legal amendments regulating the legal status of the inhabitants of the EEA in Iceland also went into effect.

13. It should be noted in the context of paragraph 7 of the report relating to economic sanctions against South Africa that Act No. 33/1933 repealed the statute that until then had provided for such sanctions.

Article 2

14. From the time of Iceland's last report various measures have been taken in order to safeguard the rights enumerated in article 2, paragraphs 1 and 2, of the Covenant. As regards the principle of equality in particular, a reference may also be made to the discussion of the Covenant's article 26 below.

15. Icelandic legislative practice shows an increasing tendency to introduce into acts of law applying in particular fields provisions prohibiting discrimination, and to redress the situation of persons that have had to endure discrimination in the past. As an example of this the new Personal Names Bill may be cited, one of the chief objectives of which is to provide

for as equal status as possible with respect to personal names, such as by increasing the freedom of naturalized foreigners in this respect. The present arrangement, which for example requires a foreigner to adopt an Icelandic personal name when accepting Icelandic citizenship, has been subject to criticism.

16. In section 11 of the new Act on Administrative Procedure of 1993 an important principle of equality has been enacted, intended to apply in the course of administrative procedure. The section prohibits discrimination on the basis of sex, race, colour, nationality, religion, political opinion, social or family status or other similar circumstances. Notwithstanding the fact that this principle was, before the Act entered into effect, considered to be one of the unwritten basic principles of administrative law, it was deemed necessary to enact an express provision to this effect.

17. It was mentioned in the general observations to this report that an amendment has been made to the human rights provisions of the Constitution. According to section 65 of the amended Constitution there is a general principle that all persons shall be equal before the law, irrespective of sex, religion, opinions, ethnic origin, race, colour, economic situation, family origin or other status. This principle is in many ways comparable to the equality principle of article 26 of the Covenant, and will be further described when that article is discussed further. This constitutional provision is not limited to equal enjoyment of rights guaranteed in human rights provisions providing for non-discrimination; it will apply to all legislation.

18. It may be noted on the occasion of the incorporation of the European Convention on Human Rights into Icelandic law by Act No. 62/1994, that its section 14 provides that the rights and freedoms set forth in the Convention shall be secured without discrimination on any ground, such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

19. As regards the Covenant's article 3, paragraph 2, there have been no particular changes to law or practice affecting the right of persons to an effective remedy in case their rights are violated. A reference is therefore made in this respect to the discussion presented in paragraphs 19-32 of the last report. It may be reiterated, however, that in Icelandic law the rule is that the courts are competent to determine whether or not statute law conflicts with constitutional principles. Such a situation is more likely to arise in the context of the human rights provisions of the Constitution than others. If the courts decide that statutes conflict with human rights provisions they will not apply the statutes in question, as the Constitution then takes precedence. On the other hand the courts are not empowered to remove laws formally from effect. This right of the courts to review laws, regarded as one of the unwritten fundamental principles of the Icelandic Constitution, is not expressly provided for in the written Constitution or elsewhere.

20. Despite the fact that international human rights agreements, other than the European Convention on Human Rights, do not have the force of law in Iceland, they are often referred to in court. The courts construe and

interpret the law in conformity with the international obligations assumed by Iceland by accession to international human rights instruments, and it is generally assumed that Icelandic legislation is in harmony with them. There are examples of judgements where references have been made to the International Covenant on Civil and Political Rights.

21. As regards the Ombudsman of the Althing and the discussion of his functions in paragraphs 27-31 of the second report, it may be noted that the scope of his activities has increased and complaints received by him are still increasing in number. The activities of the Ombudsman have had great import since his office came into being in 1988. His indications and observations directed to administrative authorities have had great effect, and they have been heeded, despite the fact that the Ombudsman's conclusions are not binding upon the authorities. The latest statistics on the number of complaints are the following:

Year	Number of complaints	Matters on the Ombudsman's own initiative
1992	190	4
1993	235	3
1994	342	5

Article 3

22. As mentioned in paragraph 7 above, the amendment of the human rights provisions in the Constitution provides for a special protection of equality between men and women. Section 65, subsection 2, of the amended Constitution stipulates that men and women have equal rights in all respects. This provision is intended to emphasize particularly the principle of equality of men and women to a greater extent than can be deduced from the general principle of equality. As regards general legislation, no particular changes have taken place in connection with matters relating to the equal status of men and women; consequently a reference may be made in this respect to paragraphs 40-42 of the second report. On 7 May 1993 the Althing passed a resolution on a four-year action plan to ensure equal status of men and women, by which the Government was required, during the period 1992-1996, to undertake positive measures in the direction of attaining equal status. Supervision of these efforts has been entrusted to the Equal Status Council.

23. Notwithstanding the fact that the status of women has changed much to the better in the past few decades and that women now formally enjoy complete equality with men, equality in fact is still lacking in a number of areas. This applies primarily in the labour market; in spite of legal provisions on equal wages having been in effect for a long time and the status of women in that respect having improved much, it seems that full equality as regards wages has not yet been achieved. The following numerical information may be referred to in this context.

24. Hourly wages paid to women expressed as a percentage of men's hourly wages in Iceland in 1990-1993:

	Female labourers	Female shop assistants	Female office workers
1990	92.6	73.9	72.0
1991	94.5	71.4	73.0
1992	93.7	70.7	74.6
1993	93.7	70.8	76.5

25. Despite the fact that female participation in industry has increased significantly in the past few decades, some jobs still remain predominantly male or female, and the general consensus is that traditional female jobs, for example the care of children or patients, provide less remuneration than jobs traditionally performed by men. A large majority of retail trade and service personnel are still women, but in these fields they are a small minority in management and specialist positions. The proportion of women on public committees, boards and councils has still increased in the past few years, even though it is still far from even with the proportion of men. For example, the proportion of women on public committees and councils, having been approximately 15 per cent in 1990, was approximately 20 per cent in 1994. This proportion was slightly less than 10 per cent in 1987.

26. The Icelandic labour force was distributed as follows by fields of industry in April 1994 (in per cent):

	Women	Men
Agriculture	4	5
Fishing	0	9
Manufacturing industry	14	20
- thereof, fish processing	7	6
Public utilities	1	1
Building construction	0	12
Retail trade and repair services	13	13
Hotels and restaurants	4	3
Transport and communications	5	8
Financial services	5	2
Real estate brokerage and miscellaneous services	5	7
Public administration	5	5
Tuition	9	3
Public health and social services	28	5
Other social-related services and cultural activities	8	7

27. The composition of the Icelandic labour force by occupations was in April 1994 as follows (in per cent):

	Women	Men
Officials and managers	5	12
Specialists	13	12
Technicians and specially trained staff	16	9
Office workers	17	3
Service personnel and retail trade assistants	25	10
Farmers and fishermen	3	11
Craftsmen	9	24
Mechanics and machine attendants	2	14
Non-skilled personnel	11	4

28. The Equal Status Complaints Committee was established by Act No. 28/1991 on the Equal Status of Men and Women. Its members, who all are lawyers, are appointed by the Minister of Social Affairs for a term of three years. Two of the members are nominated by the Supreme Court of Iceland, one of whom shall be the Chairman, and the third member is appointed without nomination. The role of the Committee is to receive indications concerning possible violations of the Equal Status Act, investigate such cases and forward the conclusions to the parties involved. The Committee may also, in some situations, take the initiative to make proposals on the implementation of the Act. Employers, public institutions, associations and other parties that may provide information on the facts of a case have the obligation to provide the Committee with any relevant information. When the conclusions of a case may be assumed to have the effects of laying down a policy for the labour market in its entirety the Complaints Committee shall seek the opinion of the trade union federations and their contracting partners. The conclusions of the Complaints Committee are not binding upon the parties. In cases where, in the view of the Committee, the provisions of the Act have been violated, a reasoned recommendation shall be sent to the parties. The Committee may, in consultation with a party, bring legal action in court, if an adversary does not heed the Committee's recommendation. In such a court action the Committee may request a declaration to the effect that a violation of the Equal Status Act has taken place. It may also request indemnification for financial and non-financial loss. Cases where a party requests the Committee to pursue his case against an employer have gained somewhat in number. Conciliation is attempted at first, but if this does not meet with success the case is committed to an independent professional lawyer. In 1993 a judgement was rendered by the Supreme Court of Iceland on an issue concerning violation of the Equal Status Act in connection with appointment to office. The Court's conclusion was that the appointment of the Minister of Education to the position of an assistant professor at the University of Iceland was in contravention of the Equal Status Act. The woman who lodged a complaint by reason of the appointment was, however, not granted damages, as the Court concluded that she had not suffered financial loss, and had not succeeded in establishing sufficient likelihood of non-financial loss.

29. The Equal Status Complaints Committee received 11 complaints in 1993. The Committee brought 12 cases to a conclusion during the year, and of these 9 had been received in 1992. Of the 12 cases men were the complainants in 4,

and women in 8. The Committee concluded that the complainant's rights had been violated in six of these cases. Four cases of the total concerned equal remuneration rights; of these two concerned the right of fathers to receive wages during a period of leave by reason of childbirth; five concerned appointments for office; two concerned working conditions, and two concerned termination of employment. Finally, one case related to the right to join an association; that case was the only one that did not concern the labour market.

Article 4

30. No changes have occurred, whether to Icelandic legislation or practice, that concern this provision of the Covenant, and no such changes are planned. A reference is therefore made to paragraphs 63 and 64 in Iceland's second report.

Article 5

31. A reference is made to paragraphs 65 and 66 in Iceland's second report; the principles described there on the interpretation of laws and international instruments remain unaltered.

Article 6

32. No changes have taken place as regards the provisions of the General Penal Code concerning homicide and no such amendments are under consideration. Thus, a reference is made to paragraph 67 of the second report, concerning that subject.

33. As mentioned in paragraph 72 of the second report the death penalty was abrogated in Icelandic law in 1928, and at that time no such sentence had been carried out for nearly a century. No issues have been raised in Iceland as regards reinstating the death penalty, either in time of war or under other circumstances. Iceland is a party to the Second Optional Protocol to the ICCPR on the abolition of the death penalty, and the Sixth Protocol to the European Convention on Human Rights concerning the abolition of the death penalty.

34. According to section 69 of the amended Constitution a new provision has been added to the human rights provisions to the effect that the death penalty may never be provided for by law. Such an unequivocal prohibition goes considerably farther than do both the European Convention on Human Rights and the International Convention on Civil and Political Rights. In spite of the fact that international agreement on complete abolition of the death penalty has not been reached, a complete ban against the death penalty, included in the Constitution, is deemed to be appropriate and in conformity with the Icelandic consciousness of justice.

Article 7

35. As regards article 7 the points noted in paragraphs 80-100 of Iceland's second report stand in the main unchanged at the time the present report is written, and therefore a reference is made to the earlier report.

36. Until now there has been no generally applicable provision in Icelandic statute law or in the Constitution expressly prohibiting torture and cruel, inhuman or degrading treatment or punishment. A rule to such an effect has, however, been considered among the most important unwritten principles underlying the human rights provisions of the Constitution, and no questions have been raised concerning its validity. However, in the light of the importance of such rights, this principle has been included in the amendment to the Constitution as one of its human rights provisions. Section 68, subsection 1, of the amended Constitution therefore expressly includes the principle that no one may be subjected to torture or inhuman or degrading treatment or punishment.

37. The content of this rule is discussed in the explanatory notes accompanying the bill amending the Constitution. It is, inter alia, stated there that the situations kept in mind when banning inhuman or degrading treatment are especially those where a person has been deprived of his liberty, as the danger of illegal treatment is increased in circumstances when a person is detained against his will. This relates in particular to the treatment of arrested persons and remand prisoners and, for example, persons deprived of their liberty in consequence of mental illness and subsequently confined to a health institution. It is furthermore considered that this provision includes a prohibition of medical and scientific experiments without the consent of the individual concerned. The explanatory notes make a specific reference to the second sentence of article 7 of the ICCPR.

Article 8

38. According to the amendment to the Constitution, section 68, subsection 2, a new provision is to be included, prohibiting any person from being required to perform compulsory labour. Slavery or servitude, a practice that has not existed in Iceland for many centuries, is not expressly mentioned in the provision. It is deemed that the provision banning forced labour includes a prohibition of slavery and servitude.

39. As has been stated earlier, the various civil duties detailed in paragraphs 112-116 of Iceland's second report are not deemed to come under the concept of compulsory labour. It should be noted that according to the amendment to the Constitution the provision described in paragraph 112 of the second report on the introduction of compulsory military service by law has been abrogated. This provision has never been used, and an Icelandic armed force has never existed. It is held, however, that the abrogation of the provision does not preclude the possibility that statutes may be enacted introducing an obligation to perform military service and carry arms against an enemy.

40. It may be added to the discussion on the Community Services Bill in paragraph 111 of the second report that the Althing enacted, in the spring of 1994, an Act on Community Services, No. 55/1994, which will enter into effect on 1 July 1995. The Act makes it possible for a person who has been unconditionally sentenced to imprisonment of up to 3 months, and if public interests are deemed not to stand in the way, to serve the sentence by performing such services without payment, for a period of not less than 40 hours and not more than 120 hours. The Act specifies a number

of prerequisites for such an arrangement, including that the convicted person require that community services be substituted for his sentence. Consequently, a person cannot be compelled to perform community services. The Act establishes a Community Services Committee which, among other things, is given the task of assessing when the prerequisites for community services have been fulfilled and determining where, how and over what period of time community services shall be performed.

Article 9

41. Since the compilation of Iceland's second report no changes have been made to general legislation or practice as regards deprivation of liberty or the legal status of a person so deprived. A reference is therefore made to paragraphs 117-147 of the report. The basic principles concerning the legal status of a person deprived of his liberty are outlined in article 65 of the Constitution, and the rules applying in this regard are in other respects, including as regards the points mentioned in article 9 of the Covenant, guaranteed in legislation, in particular in the Code of Criminal Procedure, No. 19/1992.

42. In the amendment to the Constitution the rights of a person deprived of his liberty, as enumerated in article 9 of the Covenant, are constitutionally guaranteed to a greater extent than at present. The proposed provision is thus considerably more detailed than the present section 65 of the Constitution, and also extends in various respects to the legal status of persons deprived of their liberty in circumstances that do not relate to criminal investigation. The present section 65 does not extend to such circumstances. Section 67 of the amended Constitution also provides for the right of a person who has been deprived of his liberty without just cause to financial indemnification; this provision may be compared to article 9 (5) of the Covenant.

Article 10

43. Reference is made to the discussion of the treatment of prisoners and conditions of imprisonment in Icelandic prisons presented in paragraphs 148-171 of Iceland's second report. From the time of writing of that report no changes have been made to law which relate to the rights set out in article 10 of the Covenant.

44. However, various measures have been taken during the past few years with the objective of improving the treatment and accommodation of prisoners in Iceland. As mentioned in paragraph 154 of the second report matters concerning prisons and imprisonment in Iceland became the subject of some public discussion in early 1992 following the publication of severe criticism of prison housing and accommodation in general on the part of a committee which examined the matters. This was followed by the Government's approval of the Prison Plan of the Minister of Justice. Thus, a four-year action plan for prisons was approved, and the Minister of Justice undertook to afford the plan priority within the framework of the budget allocations made available to his Ministry and in conformity with the policies set out in the plan.

45. The first part of the action plan is the construction of an additional prison building at Litla-Hraun, where the biggest prison facility in Iceland is now located. Work on the building commenced in April 1994, and it is expected that it will be completed before the middle of 1995. It is also planned to construct, in 1995, a multi-purpose sports hall and working facility at Litla-Hraun. In 1995 preparations will also commence for the construction of a new prison in Reykjavik, intended to replace the old Reykjavik Prison, as the Prisons Committee had in 1992 expressed the opinion that the condition of the prison building and the material conditions of detention were unacceptable. The new prison is also intended to replace the prison in Reykjavik which is used for the detention of remand prisoners. According to the present plans it is expected that the construction of the new Reykjavik Prison can commence in the beginning of 1996 and that the prison building will be completed in about two years.

46. As regards treatment of prisoners in particular, it may be mentioned that in 1991, 1992 and 1993 no complaints were received from prisoners on account of alleged brutality of prison staff.

47. In June 1993 a committee under the auspices of the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, to which Iceland is a party, arrived in Iceland. The committee visited some police stations and prisons, and a treatment institution for irresponsible offenders which recently had come into operation. The visit formed a part of the arrangement established under the Convention, by which the actual situation among the States parties is examined. The examination takes place, for example, by checking the conditions in the establishments visited; ascertaining the attitudes of civil servants who are authorized to use force under certain circumstances, and of other staff members, to the persons deprived of their liberty; interviewing the persons deprived of their liberty in order to form an opinion of how they perceive the above matters themselves, and receiving any complaints they may have. The committee also examines the legal and administrative foundations on which their deprivation of liberty is based. In its report dated March 1994 the committee set forth the conclusions drawn from its visit, its opinion of the general situation, and indications for improvements.

48. The committee, in its discussion on the police establishments visited, stated in the conclusions arrived at, inter alia, that its members had heard no allegations to the effect that persons in police custody in Iceland had been subjected to torture, and had discovered no other signs indicating that torture had taken place. One of the conclusions of the committee's report is that there seems to be little danger of persons deprived of their liberty by Icelandic police being subjected to brutal treatment. The committee nevertheless emphasized the necessity that police officers in charge of personnel make those subject to their authority clearly aware that bad treatment of persons in their custody, whether physical or psychological, will not be tolerated, and that in any such cases appropriate sanctions will be applied. The material conditions of detention in the Icelandic police stations visited by the committee were in general considered satisfactory.

49. The committee did not hear any accusations of torture or other physical ill-treatment of prisoners in the prisons it visited in Iceland; nor did the

committee find any other evidence of such conduct in the course of its visit. The committee also stated in its report that the relations between prison staff and prisoners were on the whole relaxed. It furthermore observed that the conditions of detention in the two Reykjavik prisons and in a section of the Litla-Hraun prison were poor.

Article 11

50. Reference is made to the discussion on this provision of the Covenant in paragraphs 172-174 of Iceland's second report. No changes have occurred to Icelandic law or practice which relate to this matter, and Icelandic law and practice are in harmony with article 11.

Article 12

51. The rights enumerated in article 12 of the Covenant concerning freedom of movement and freedom to choose one's residence have until now been guaranteed in Icelandic law, but have not enjoyed the protection of constitutional provisions. According to section 66 of the amended Constitution a provision comparable to article 12, providing for the same protection of rights, will be included among its human rights provisions.

52. In other respects, Icelandic legal provisions relating to when a person may be barred from leaving the country, on general freedom of movement domestically and the right to choose one's residence, have in general remained unchanged since the time of Iceland's second report. Consequently, reference is made to the discussion of article 12 in paragraphs 175-199 of Iceland's second report.

53. It should, however, be noted that a new law on the right of foreigners to work in Iceland has been enacted. The most important new features of the Act concern work permits and their classification, and the exemptions applying to citizens of the EEA member countries and foreign embassy staff members. The new Act did not introduce any new provisions which relate to the substance of article 12.

Article 13

54. The conditions under which a foreigner lawfully staying on Icelandic territory can be expelled are described in paragraphs 200-207 in Iceland's second report. Reference is made to those paragraphs. The bill amending the Foreign Nationals Supervision Act, No. 45/1965, mentioned in the discussion on article 13 in the second report, has now been enacted, and took effect on 1 January 1994.

55. The amendment to the Foreign Nationals Supervision Act mentioned in the foregoing paragraph improved the legal status of foreigners in connection with expulsion and introduced more detailed rules relating to administrative procedures in cases involving foreigners. The most important change is that a particular agency, the Immigration Office, decides on matters relating to foreigners as a lower administrative organ, and its decisions are subject to appeal to the Ministry of Justice.

56. Thus, a decision to expel a foreigner who has entered Iceland lawfully is taken by the Immigration Office, but the decision of the Office may be subject to appeal to the Ministry of Justice. A foreigner shall be provided with information on this possible avenue of appeal at the time he is notified of the decision to expel him. If the foreigner wants to exercise his right of appeal he shall declare his intention to do so within 15 days from when notification was given. If appeal is declared before a decision of expulsion is carried out, the implementation of the decision is postponed until the Minister's decision is rendered. In 1994 six foreigners were expelled after they had served sentences on account of criminal conduct. Most of these related to offences concerning abuse of drugs. None of them exercised his right to appeal to the Ministry of Justice against the decision of expulsion. In 1993 the Immigration Office expelled one foreign national.

57. Every year some foreigners are refused entry into Iceland, in particular on the grounds that a residence permit or a visa is lacking. In 1992, 44 foreigners were refused entry on such grounds, and in 1993, 17. Of the 17 three requested asylum as refugees; they were sent back to the countries from which they had come (Denmark, Norway and Sweden).

58. A comprehensive revision of the Foreign Nationals Supervision Act is now under preparation. An aspect of this revision will be the formulation of a policy in matters concerning refugees, as until now no such policy has been defined and few provisions relating to refugees have been enacted. This new policy would among other things entail that some fixed number of refugees was received annually, i.e. the introduction of a refugee quota. In the past decades the Government has decided to receive groups of refugees from specified countries, including East European countries and Viet Nam. During the period 1956-1993 6 groups of a total of 207 refugees were received in this manner, and 45 relatives followed them later. In 1992 and 1993 no quota of refugees was determined. Some foreigners from areas from which many refugees have come have been granted residence permits in Iceland; thus, in 1992 and 1993 new residence permits were issued to 62 individuals from the various areas of former Yugoslavia.

Article 14

59. The rights enumerated in article 14 of the Covenant have been guaranteed in legislation, in particular in the Code of Civil Procedure and the Code of Criminal Procedure. Before the amendment to the Constitution there was no provision in the Constitution which guaranteed these rights. However, in a particular section of the Constitution there are provisions intended to guarantee the independence of the courts. Section 70 of the amended human rights provisions of the Constitution provides for the right of citizens to obtain a resolution of matters concerning their rights and obligations, or in any criminal charge against them, within a reasonable period of time before an independent and impartial tribunal, and the principle that hearings shall be public is included in the Constitution. This new section of the Constitution also includes the principle expressed in paragraph 2 of article 14 that any person accused of a criminal act shall be presumed innocent until proved guilty. Notwithstanding the fact that this principle is not expressed in present Icelandic legislation on criminal procedure, it has certainly been observed in practice for a long time. There is, however, in section 45 of the

Code of Criminal Procedure, a provision that concerns this principle, in which it is specified that the burden of proof concerning the guilt of a defendant and facts that can be considered in his disfavour rests with the prosecution. This, the principle of in dubio pro reo is only concerned with the burden of proof, but not directly with the presumption of innocence. In the light of the importance of the principle of presumption of innocence, it is deemed proper that it be included in the human rights provisions of the Constitution.

60. In connection with the discussion on article 14 in paragraphs 208-271 of Iceland's second report, a detailed description was offered of the Icelandic legal system, measures taken in order to ensure the independence and impartiality of the courts, the main principles relating to court procedure, and the rules governing the legal status of suspects in criminal cases. At the time Iceland's second report was written very extensive changes to the Icelandic court system had recently (1 July 1992) become effective, as a result of the comprehensive revision that had been taking place in all fields of legal procedure and judicial organization. Following these amendments it is held that Icelandic law is in every respect in harmony with article 14 of the Covenant, and that Icelandic law guarantees the rights set forth in that article. As regards the individual points enumerated in article 14, reference is made to the second report.

61. Icelandic general legislation that may have a bearing on article 14 is almost identical to what it was at the time of writing of the second report, and very little can be added. It may be mentioned, however, that by Act No. 39/1994 the Supreme Court Act was changed, and the judges of the Court are now nine in number, whereas previously they were eight. In 1994 some amendments were also made to the Code of Criminal Procedure and the Code of Civil Procedure that concern the conditions under which civil and criminal cases can be appealed to the Supreme Court.

62. With reference to article 14, paragraph 5, of the Covenant, a description will now be presented of the chief changes which have been made to the right of a convicted person to appeal against the judgement of conviction. Under the legislation previously in effect the right of a convicted person to appeal against a judgement of conviction was unrestricted, except that a leave of appeal from the Supreme Court was required in cases where the defendant had not made an appearance before the lower instance. Thus, the right of appeal was not limited by reference to the nature of the alleged offence, or by reference to the sanctions imposed in the lower instance. Act No. 19/1994 introduced some changes to the Code of Criminal Procedure, by which the right of appeal is made subject to certain restrictions. As before, the fundamental principle is that a convicted person generally has the right to have his conviction and the sanctions imposed re-examined and reassessed. The amendment, however, entails that criminal action arising from minor offences can not be subject to appeal to the Supreme Court unless the Court permits. These are cases where the defendant has neither been sentenced to deprivation of liberty nor ordered to pay a fine or suffer confiscation of property above a certain value (ISK 500,000). Even though this rule is intended to limit the right of appeal in cases of a minor nature, re-examination by the superior court is by no means precluded, as a convicted person can always petition the Supreme Court for leave of appeal, even if the sanctions imposed are within the limits specified. Thus, lower court judgements in minor cases can also be

subject to appeal as a result of a decision of the Supreme Court to grant leave of appeal. Such leave of appeal will, depending on the circumstances, be granted if a different conclusion is not deemed unlikely or if important interests are involved. The chief objective of these changes is to limit the number of appeals where this has little or no purpose, and in cases of slight importance.

Article 15

63. Icelandic legislation and practice relating to article 15 remain as they were at the time of writing of the second report. Therefore, reference may be made to paragraphs 272 and 273 of that report.

64. It should be noted that according to section 69 of the amended human rights chapter of the Constitution a ban is stipulated on the retroactivity of criminal law, and a provision to the effect that criminal sanctions heavier than those provided for at the time of commission of a criminal offence may not be imposed. This amendment is made in the light of the fact that prohibition of the retroactivity of criminal provisions is a fundamental principle of Icelandic criminal law, and it is considered necessary to emphasize this by including it among the human rights provisions of the Constitution.

Article 16

65. Icelandic legislation is in harmony with this provision of the Covenant. Despite the fact that this rule is not expressly phrased, it is regarded as evident. No issues have been raised which relate to these rights. As it relates to article 16 Icelandic legislation and practice remains unchanged from the time of writing of the second report, and therefore reference is made to paragraphs 274-279 of that report.

Article 17

66. From the time of writing of the second report there have been no changes worthy of mention to Icelandic legislation or practice relating to rights guaranteed in article 17. Consequently, a reference is made to the discussion on article 17 made in paragraphs 280-298 in the second report. Icelandic law is in full harmony with this provision of the Covenant.

67. In section 71 of the amended Constitution the provision on the inviolability of privacy, family and home is made considerably more specific and detailed than the present section 66 of the Constitution. The present provision, for example, only mentions expressly the inviolability of the home, but privacy and family are not mentioned. The provision has, however, been interpreted freely, and thus it has in practice given protection to all the rights mentioned. The new section also includes clear requirements which must be fulfilled in order that these rights may be made subject to limitations. Such limitations must always be based on legislation or a court order rendered in the context of a particular case.

Article 18

68. As mentioned in the second report, freedom of religion is among the constitutionally protected rights. According to the amendment to the human rights provisions of the Constitution the wording of its current provisions which protect freedom of religion, i.e. sections 63 and 64, will be changed. The change is primarily made in order to introduce more modern language, as the provisions in question can be seen to be more than a century old, rather than in order to change the substance of the provisions as they have been interpreted. Thus, for example, the wording to the effect that all persons are entitled to form societies for the worship of God in conformity with their individual convictions has been replaced by more general wording, corresponding to a right to form religious associations and practise religion in conformity with individual convictions.

69. In other respects, reference is made to paragraphs 299-300 of Iceland's second report. From the time of its writing no changes have occurred that may provide an occasion for additional comments.

70. Registered membership of religious associations and registration of persons outside religious associations was as follows 1 December 1994:

Total	266 786
The National Church	244 925
Independent congregations	8 490
The Free Church Congregation in Reykjavik	4 872
The Independent Church, Reykjavik	1 040
The Free Church Congregation in Hafnarfjörður	2 578
Other registered religious associations	6 944
The Roman Catholic Church	2 535
The Seventh-day Adventists' Church	781
The Pentecostal Assembly	1 105
The Sjónarhæð Congregation	52
Jehovah's Witnesses	576
The Baha'i Community	399
The Pagan Association	172
The Cross	345
Church of Jesus Christ of Latter Day Saints	154
The Way Church - Christian Fellowship	771
The Word of Life	54
Unregistered religious associations and religions not specified	2 639
Persons outside religious associations	3 788

Article 19

71. In section 73 of the amended Constitution the provision on freedom of opinion and freedom of expression is more detailed than the present provision on freedom of expression, which is section 72 of the Constitution. As the provision is now formulated freedom of opinion is not mentioned and a general provision protecting all forms of expression is also lacking, as the section only mentions freedom of expression in print. The new provision on freedom of expression is intended to amend this situation and make the wording and substance of section 72 more modern. The section has not been revised since 1874.

72. No changes have occurred to general legislation or practice relating to freedom of expression as compared to the description presented in paragraphs 310-325 of Iceland's second report in connection with article 19.

73. However, as mentioned in paragraph 324 of the second report, there was a particular criminal provision in section 108 of the General Penal Code giving protection to the reputation of civil servants. According to that provision fines could be imposed if a civil servant is subjected to vituperation or other insult in word or deed, or allegations damaging to his reputation, when performing his duty, or in relation to him on account of the performance of his duty. This provision was a matter of some controversy, but it has now been abolished from the Penal Code. It may be noted that the last Supreme Court judgement so far by which a fine was imposed on account of a violation of section 108 was rendered 5 March 1993. The Supreme Court made a particular reference to ICCPR and to the principle that Icelandic law was to be interpreted as conforming to the provisions of the Covenant. The Court, noting that section 72 of the Constitution mentions expressly that a person may be held liable for expressions made in print, held that the criminal statute did not unreasonably infringe upon the freedom of expression.

Article 20

74. Reference is made to paragraphs 326-329 of Iceland's second report. The situation has not undergone any changes since the time of writing of that report. No plans have been made to revoke Iceland's reservation relating to paragraph 1 of article 20.

Article 21

75. There have been no changes to law or practice relating to freedom of assembly from the time of writing of the second report. A reference is therefore made to its paragraphs 330-335.

76. It is envisaged that the provision on freedom of assembly as now formulated in section 74 of the Constitution will remain unchanged. No issues have been raised for some decades in connection with that provision.

Article 22

77. General legislation and practice relating to freedom of association, as described in paragraphs 336-356 of Iceland's second report, have not changed from its time of writing. There are no instances where an association has been banned and dissolved by judgement, as permitted in section 73 of the Constitution.

78. In the amendment to the Constitution the provision on freedom of association in the present section 73 will remain unchanged, as the first subsection of section 73. According to the Amendment a new subsection is added to this section stipulating that no person may be compelled to be a member of an association. It is added, however, that such a compulsion may be imposed by law, if this is necessary in order to make it possible for an association to perform its functions as defined in legislation for purposes relating to public welfare or the rights of others. Negative freedom of association has been a subject of lively public debate in Iceland in the past few years, after the European Court of Human Rights concluded in 1993, in a case against Iceland, that the imposition upon a taxi driver of a duty to join a trade union conflicted with article 11 of the European Convention on Human Rights. The Supreme Court of Iceland had ruled earlier that section 73 of the Constitution on freedom of association did not give protection to negative freedom of association. In conformity with the conclusion of the European Court of Human Rights the general rule is stipulated in the amendment that a person may not be compelled to join an association, but, as outlined above, this principle is not without exception.

79. On the occasion of the above judgement of the European Court of Human Rights, in 1993 the Act on Motor Vehicles for Public Hire has been amended. There various changes are proposed, including abolition of the compulsory membership of taxi drivers to the same trade union.

80. To the discussion in Iceland's second report on associations which have the promotion and protection of human rights as objectives, it may be added that the Icelandic Human Rights Office was established in the spring of 1994, as mentioned in paragraph 11 above. The objectives of the Icelandic Human Rights Office are to collect information concerning human rights, to introduce such information to the public, and to promote education and research in the field of human rights. The Office plans, with a view to these objectives, to establish a library and a collection of periodicals on human rights, and to take part in the exchange of information taking place between similar offices in the Nordic countries. The Office also intends to promote lectures and discussion on human rights, publication and dissemination of printed matter concerning human rights, and research in individual fields of human rights.

Article 23

81. As described in the discussion on article 23 in Iceland's second report, the family is regarded as a natural basic unit of Icelandic society. Despite the fact that this basic premise is not expressly stated, it is evident in legislation concerning family matters. In Iceland's second report an enumeration is made of the chief acts of law which relate to matters concerning the family. As stated there legislation concerning children and

matters relating to children in particular is rather recent (cf. the Children's Act, No. 20/1992, and the Act in respect of Protection of Children and Adolescent Persons, No. 58/1992). As regards the substance of these enactments, which have not undergone any general changes since the time of writing of the second report, reference is made to that report.

82. It should be mentioned that a recent amendment has been made to the Children's Act with the objective of strengthening the ties between a child and a parent not having custody. Thus, the right of access of a parent not having custody is made more extensive, and it will expressly cover telephone communications, correspondence and other similar association between parent and child. This extends the scope of the right of access as, according to the traditional understanding of the legal provisions now in effect, this right is limited to a parent's association with a child by having it stay with the parent for certain periods or visiting it, i.e. to keep personal company with the child. The amendment also provides that a parent not having custody will be entitled to information on the child's situation and condition from the other parent and various institutions which are concerned with the child, and from administrative authorities and officials having to do with matters relating to the child. Other changes which have been made are of two kinds. On the one hand, there are provisions relating to the ratification of the European Convention of 20 May 1980 on Recognition and Enforcement of Decisions Concerning Custody of Children and of the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction. It is provided that if parents have joint custody of their child, either parent is prohibited from leaving Iceland with the child except with the approval of the other. On the other hand, it is provided that the Minister of Justice is authorized to extend the time limits for bringing legal action for rebuttal of a child's paternity and for invalidation of a recognition of fatherhood.

83. As explained in paragraph 378 of Iceland's second report, the Children's Act of 1992 introduced the arrangement of joint custody, on which the parents of a child may agree even in the case of separation or divorce. When reaching an agreement on joint custody the parents are to decide with which of them the child shall have its legal home, and thus where its residence shall generally be. The parent with whom the child resides has the legal status of a single parent for the purposes of receiving maintenance payments from the other parent or the State Social Security Institution, and mother's (or father's) allowance, child supplements and other payments from public sources, if applicable. The parents may then agree between themselves on the distribution of these payments, as an agreement between the parents on all matters concerning joint custody is a prerequisite for such an arrangement. The parent with whom a child has its legal domicile also has the legal status of a single parent under tax law. That parent furthermore enjoys any other benefits provided single parents by the State or municipalities. If a child stays for a period with the parent with whom it does not have its legal domicile, that parent may enjoy such benefits temporarily, for example the right to day-care services. It has been shown that since the Children's Act entered into effect many parents have availed themselves of the possibility of joint custody, and consequently the number of disputes concerning custody when married people separate has gone down.

84. The following figures show the manner in which decisions on custody, including agreements on joint custody, have been taken since the new Children's Act entered into effect, for the period 1 July 1992-1 October 1993:

Agreements for joint custody of both parents:	268
Custody with mother:	
By agreement	1 087
By decision of the Ministry of Justice	6
By judgement	2
Custody with father:	
By agreement	76
By decision of the Ministry of Justice	2
By judgement	1

85. On 1 July 1993 a new Marriage Act, No. 31/1993, came into force, replacing the Act on the Rights and Duties of Married Persons of 1923 and the Act on Inception and Termination of Marriage of 1973. The main characteristics of these two enactments were described in the second report. Many amendments have been made in the new Act. These will now be described.

86. Various changes were made to provisions concerning impediments to marriage (cf. art. 23, para. 2, of the Covenant). Thus, the requirement of approval of parents (guardians) for marriage of persons under 18 years of age has been abolished. Parents very rarely involve themselves with such matters. Exemptions from the age requirements for marriage, which the Ministry of Justice is competent to grant, are very infrequent. The requirement that a licence to marry be granted by the Ministry of Justice to persons suffering from mental disease or retardation has been abolished, as it is viewed as important that persons suffering from such conditions may enjoy the human rights of establishing a family. The requirement for approval by the Ministry of Justice of the marriage of a person and the direct descendant or ancestor of his or her former spouse has also been abolished. The prohibition against marriage between persons related by direct descent, and between siblings, is retained, and also the prohibition against marriage between an adoptive parent and his or her adopted child, if the adoption has not first been annulled.

87. As regards the equality of rights and duties between spouses in their marriage (cf. art. 23, para. 4, of the Covenant), the provision described in paragraphs 57 and 371 of Iceland's second report, to the effect that a husband may be bound by an agreement concluded by his wife on behalf of both the spouses in order to fulfil her personal needs, has now been repealed. This provision reflected earlier times when women commonly did not work for income. In fact, it was obsolete and a sign of inequality between the spouses.

88. The new Marriage Act introduces less complex provisions on separation and divorce, and the reasons for separation and divorce have been made fewer in number. The period that must pass between legal separation and divorce has also been shortened from one year to six months.

89. It should be mentioned that in the spring of 1993 the Prime Minister appointed a committee in accordance with a resolution of the Althing, by which the Government was asked to appoint a committee to examine the status of homosexual persons in Iceland. The report of the Committee is now available. Among other things the Committee proposed that a new law be enacted, similar to laws enacted in Norway, Denmark and Sweden, enabling homosexual persons to have their cohabitation formally confirmed by the authorities, and providing that such "confirmed cohabitation" imposes duties and confers rights similar to marriage between heterosexual persons. It is proposed, however, that homosexual persons not be allowed to adopt children, and that any children in the custody of one of the parties at the time the cohabitation is formalized will not come into the custody of the other party. A bill to the Althing making those proposals is now under preparation

Article 24

90. Legislation concerning children and matters relating to children had recently been revised at the time Iceland's second report was written (the Act on Protection of Children and Adolescent Persons, No. 58/1992, and the Children's Act, No. 20/1992), and no changes have been made to this legislation that matter for the purposes of the present discussion. Generally, the matters described in paragraphs 381-404 of Iceland's second report which relate to article 24 of the Covenant remain unchanged, and therefore reference is made to the second report.

91. It may be noted that in the amendment to the human rights provisions of the Constitution there is a particular provision in section 76, stipulating that the law shall guarantee for children the protection and care which their welfare demands. The aim of this provision, which is to some extent in the nature of a policy declaration and is modelled on provisions such as article 24 of ICCPR and article 3 of the Convention on the Rights of the Child, is first and foremost intended to impose on the legislator the obligation to provide the above guarantees.

92. As mentioned in paragraph 4 of this report, the office of the Ombudsman for Children was established by Act No. 83/1994. The office of the Ombudsman for Children opened on 1 January 1995. In establishing this office the aim is to improve the situation for children in society, and the Ombudsman for Children is to protect and guard their interests and rights. This involves, for example, making observations and proposals for amendments relating to the interests of children everywhere in society, promoting the observance of international agreements containing provisions having a bearing on the rights and welfare of children that have been ratified by Iceland, and recommending that such international agreements be ratified. The Ombudsman for Children can involve himself with matters on his own initiative or as a result of indications received from others. He will not involve himself with disputes between individuals, but will provide guidance as regards the avenues open within the administrative and judicial branches of government. As the office of the Ombudsman for Children only recently came into being, an assessment of his functions and the results thereof cannot be made at the time of writing of this report. This will be done in Iceland's next report.

Article 25

93. Reference is made to paragraphs 405-432 of Iceland's second report as regards election of representatives to the Althing and to municipal councils, and relating to the conduct of such elections. Legislation relating to these matters, including legislation on eligibility and suffrage, remains unchanged. Parliamentary elections have not been held since the time of writing of the second report. The next parliamentary elections will be held in the spring of 1995.

94. Municipal elections took place in the spring of 1994, with a participation of 86 per cent. It may be noted that the number of municipalities has been reduced somewhat since the second report was prepared. Icelandic municipalities were 197 in number on 1 October 1992. On 1 January 1995 their number had been reduced to 169. This is in accordance with the policy of reducing the number of municipalities by unifying the smaller rural municipalities.

95. In the past few months there has been a great public debate about the necessity of amending the Elections Act and abolishing regional imbalances in the weight of votes. This imbalance is described in paragraphs 414-416 of Iceland's second report. Agreement has not been reached, however, on the changes to be made to the Elections Act, and it is not foreseen that any such amendments will be made in the near future.

96. With the exceptions leading from the entry into effect of the agreement establishing the European Economic Area, the rules governing admittance to public office have not changed since Iceland's second report was prepared. As a consequence of the agreement the rights of foreign nationals from the EEA countries to become employed in the public sector have been widened.

Article 26

97. As described in paragraphs 428-432 of Iceland's second report, it has been a basic principle of the Icelandic Constitution and law that all people are equal under the law. In spite of the fact that this principle is held to be a cornerstone of the human rights chapter of the Constitution it has not been expressed directly there; it has been regarded as an unwritten basic principle.

98. The lack of a clearly phrased equality principle among the human rights provisions of the Constitution was subject to criticism, both internationally and in the course of public debate at home. Thus, according to the amendment to the human rights chapter of the Constitution, a general equality principle is included in section 65, providing that everyone shall be equal before the law, irrespective of sex, religion, opinion, ethnic origin, race, colour, property or birth or other status. The explanatory notes with the amendment state that there is ample reason to phrase the equality principle among other human rights provisions of the Constitution and that this, inter alia, would accord with article 26 of ICCPR. It is also stated that the significance of such provision is above all that it provides a guiding principle concerning prohibition of discrimination which is always to be respected. This not only applies in connection with legislative measures, but also to the

interpretation and application of laws as well as other human rights provisions included in the Constitution. It will, of course, have direct and unequivocal effects: if, for example, a statute is enacted which results in discrimination in contravention of this principle, the statute provision in question may be set aside by the courts. The criteria to which the prohibition against discrimination relates are to a large extent phrased with a view to article 26 of ICCPR. It is not intended that this enumeration be viewed as exhaustive; this is indicated by the reference to "other status".

99. The equality principle is manifested in various unrelated statute provisions, but in the past few years there has been an increasing tendency to have this principle expressed in various statutes applying in particular fields. One of the most important provisions of this kind that has been enacted in latter years is without doubt section 11 of the Administrative Procedure Act, No. 37/1993, which specifies that when administrative decisions are taken, discriminating between the parties on the basis of considerations relating to sex, race, colour, nationality, religion, political opinion, social status, family origin or other similar considerations is prohibited. This had been recognized in fact, as an unwritten basic principle, until the Administrative Procedure Act was enacted, as was the case with other rules concerning administrative practice.

Article 27

100. As regards article 27 of the Covenant, no particular changes have been made to legislation or any other particular action taken since Iceland's second report was prepared. It should be recalled that one can hardly speak of the existence of particular minority groups in Iceland, Icelandic society in fact being quite homogenous. There are no provisions in Icelandic law that limit the rights of such groups in a manner which might be in contravention of article 27 of the Covenant.

101. From the time Iceland's second report was prepared the number of foreign nationals in Iceland has decreased slightly. On 1 December 1994 foreign nationals in Iceland numbered 4,715, or 1.8 per cent of the total population. Of these approximately one third came from the other Nordic countries, and approximately one third from other European countries. At the same point in time 6,652 Icelandic nationals had been born abroad, but it should be noted that this figure includes both those who were born abroad and acquired Icelandic citizenship on birth, and foreigners born abroad and subsequently naturalized. The following is a list of the numbers and countries of origin of foreigners in Iceland.

Population by country of birth and country of citizenship
at 1 December 1994

Population total: 266 786

	Country of birth	Country of citizenship
Iceland	256 201	262 071
Other countries	10 585	4 715
The Nordic countries	4 690	1 581
Denmark	2 178	1 027
Finland	101	67
Faeroe Islands	374	-
Greenland	36	-
Norway	733	299
Sweden	1 268	188
Other European countries	2 987	1 631
Albania	1	1
Austria	59	30
Belgium	39	29
Bosnia and Herzegovina	-	4
United Kingdom	626	340
Bulgaria	33	21
Estonia	9	12
France	169	82
Greece	7	4
Netherlands	111	91
Ireland	49	41
Italy	55	26
Former Yugoslavia	179	116
Croatia	-	18
Lithuania	12	10
Luxembourg	65	-
Malta	1	1
Portugal	39	36

	Country of birth	Country of citizenship
Poland	282	246
Romania	4	1
Russia; the Soviet Union	99	68
Slovenia	-	2
Spain	114	62
Switzerland	65	24
Czech Republic; Czechoslovakia	57	39
Hungary	51	35
Ukraine	-	7
Germany	861	285
Europe, country unspecified	-	-
Americas	1 526	741
United States	1 188	595
Brazil	14	15
Chile	23	12
Guatemala	26	6
Canada	159	53
Colombia	35	17
Mexico	19	8
Peru	15	9
Other American countries	47	26
Africa	207	96
Algeria	12	5
Ethiopia	15	-
Cape Verde	21	13
Kenya	17	3
Morocco	36	19
South Africa	46	33

	Country of birth	Country of citizenship
Other African countries	60	23
Asia	1 068	587
Philippines	249	162
India	79	21
Indonesia	67	2
Iraq	6	3
Iran (Islamic Rep. of)	12	6
Israel	21	6
Japan	23	7
Jordan	10	3
China	73	44
Rep. of Korea	28	4
Lebanon	20	6
Sri Lanka	85	2
Syrian Arab Rep.	11	9
Thailand	195	194
Turkey	24	7
Viet Nam	124	95
Other Asian countries	41	16
Oceania	107	78
Australia	51	33
New Zealand	56	45
Without citizenship	-	1

III. RESERVATIONS

102. As Icelandic legislation has now been adapted to the provisions of the Covenant, two reservations which Iceland made with respect to the Covenant have been recalled. These relate to article 8, paragraph 3 (a), and article 13.

103. Reservations with respect to three provisions of the Covenant remain. These relate to the following provisions:

(a) Article 10, paragraph 2 (b), and the later sentence of paragraph 3, with respect to the separation of juvenile prisoners from adults;

(b) Article 14, paragraph 7, with respect to the resumption of cases which have already been tried;

(c) Article 20, paragraph 1, relating to prohibition against propaganda for war. There are no plans for the withdrawal of the above reservations. Reference is made to the views mentioned in the reservations themselves, which remain unaltered.